IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 3532 OF 2004

M/s Tarmat Infrastructural and Engineering Pvt. Ltd. .. Petitioners

V/s

Municipal Corporation of Greater Bombay & Ors. .. Respondents

Mr. V.R. Bhandare for the Petitioners.

Ms. A.K. Savla for the Respondents.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 1ST FEBRUARY 2005

P.C. :

1. Heard Mr.Bhandare for the Petitioners. Ms.Savla appears for the Respondents.

2. The Petitioners had filed two petitions espousing the same cause earlier. In the first petition being Writ Petition No.2554 of 2004, the letter written by the Assistant Engineer dated 6th March 2004 calling upon the Petitioners to remove their structure from the 100 feet road was under challenge, and that petition was dismissed by giving reasons. The Petitioners filed second petition being Writ Petition (L) No.3330 of 2004. On that petition, the following order was passed:-

> "The learned counsel appearing for the petitioner craves leave of the Court to withdraw this petition. Leave as prayed is granted. The petition is dismissed as withdrawn."

That order was passed on 23rd December 2004. This is the third petition espousing the same cause contending that the Petitioners' land is not hit by this acquisition. The acquisition has been effected way back in 1984. The structure concerned is offending and, therefore, notice under section 314 of the Bombay Municipal Corporation Act, 1888 has been given. We do not find any merit in the petition. Petition is dismissed.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)